

Queensland



**PARLIAMENT OF
QUEENSLAND AMENDMENT
ACT 2003**

Act No. 8 of 2003

Queensland



PARLIAMENT OF QUEENSLAND AMENDMENT ACT 2003

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**Parliament of Queensland Amendment
Act 2003**

Act No. 8 of 2003

An Act to amend the *Parliament of Queensland Act 2001* to extend the protection of publication of parliamentary records, and for other purposes

[Assented to 28 March 2003]

The Parliament of Queensland enacts—

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Parliament of Queensland Amendment Act 2003*.

PART 2—AMENDMENT OF PARLIAMENT OF QUEENSLAND ACT 2001

2 Act amended in pt 2

This part amends the *Parliament of Queensland Act 2001*.

3 Amendment of ch 3, pt 3, heading (Parliamentary Papers)

Chapter 3, part 3, heading, ‘Papers’—

omit, insert—

‘RECORDS’.

4 Replacement of ss 48–51

Sections 48 to 51—

omit, insert—

‘48 Definitions for pt 3

‘In this part—

“authorising person” means—

- (a) the Speaker; or
- (b) the chairperson of a committee; or

- (c) the Clerk; or
- (d) the chief reporter.

“broadcast” means a broadcast, transmission, rebroadcast or retransmission made electronically or in any other way.

“parliamentary record” see section 49.

“publication” means a publication in any form and includes a broadcast.’.

‘49 Meaning of “parliamentary record”

‘(1) A **“parliamentary record”** is a record relating to proceedings in the Assembly.

‘(2) A record relating to proceedings in the Assembly includes a record of proceedings in the Assembly.

‘(3) The record may be—

- (a) in any form; or
- (b) permanent or otherwise; or
- (c) made at the same time as the proceedings to which it relates or otherwise.

Example—

The record may be in audio or visual form and last only a short time.

‘50 Assembly or committee may authorise publication

‘(1) The Assembly may authorise publication of a parliamentary record.

‘(2) A committee may authorise publication of—

- (a) evidence given before the committee; or
- (b) a document presented or submitted to the committee; or
- (c) a document (including a report) prepared or made by the committee.

‘(3) An authority under subsection (1) or (2) extends to the doing of all acts preparatory to, or otherwise for the purposes of, publication.

‘(4) This part does not limit by implication any other power the Assembly or a committee may have to authorise publication of any thing.

‘(5) Without limiting subsections (1) and (2), if the Assembly authorises publication of a thing under subsection (1), or a committee authorises publication of a thing under subsection (2), without mentioning who may publish the thing, the Assembly or committee is taken to authorise the publication of the thing by the government printer.

‘(6) If the Assembly authorises, or is taken to authorise, the printing of a parliamentary record, then, unless the Assembly otherwise expressly provides—

- (a) the Assembly is taken to authorise the publication of the parliamentary record; and
- (b) publication of the parliamentary record other than in printed form is adequate compliance with any requirement that the document be printed.

‘51 Assembly taken to have authorised particular publication

‘(1) The Assembly is taken to have authorised the publication of an authorised parliamentary record by an authorised publisher.

‘(2) The authority conferred by subsection (1) extends to the doing of all acts preparatory to, or otherwise for the purposes of, the publication.

‘(3) For this part, a thing purporting to be an authorised parliamentary record is taken to be an authorised parliamentary record unless the contrary is proved.

‘(4) In this section—

“authorised parliamentary record” means a parliamentary record, including any of the following records, the publication of which is authorised by an authorising person—

- (a) the Votes and Proceedings;
- (b) the Notices of Motion and Orders of the Day;
- (c) the Questions on Notice and answers to questions on notice;
- (d) Hansard reports of proceedings in the Assembly, a committee or an inquiry;
- (e) an audio or visual record of proceedings in the Assembly.

“authorised publisher” means—

- (a) a member or a person acting on behalf of a member; or

- (b) the Speaker; or
- (c) the chairperson of a committee; or
- (d) the Clerk; or
- (e) an officer or employee of the parliamentary service acting in the course of the person's duties; or
- (f) the government printer; or
- (g) an engaged entity.

“engaged entity” means—

- (a) an entity engaged by the Speaker or Clerk or a chairperson of a committee (the **“engager”**) for the publication of a particular authorised parliamentary record; or
- (b) an employee, contractor or agent of the entity acting in the course of the person's duties, contract or agency; or
- (c) if, with the engager's written approval, the entity engages another entity for the publication of the particular authorised parliamentary record—
 - (i) the other entity; or
 - (ii) an employee, contractor or agent of the other entity acting in the course of the person's duties, contract or agency.’.

5 Amendment of s 52 (Tabled, unprinted documents may be read etc.)

(1) Section 52, heading, ‘unprinted’—

omit, insert—

‘unpublished’.

(2) Section 52(1), ‘ordered or otherwise’—

omit.

(3) Section 52(1), ‘printed’—

omit, insert—

‘published’.

6 Amendment of s 53 (Particular documents are taken to be printed when tabled or taken to be tabled in the Assembly)

Section 53, ‘printed’—

omit, insert—

‘published’.

7 Amendment of s 54 (Publication of fair report of tabled document)

(1) Section 54(2), ‘orders or otherwise’—

omit.

(2) Section 54(2), ‘printed’—

omit, insert—

‘published’.

8 Amendment of s 55 (Evidentiary certificates)

Section 55(2)(f) to (n)—

omit, insert—

- ‘(f) that a thing is a parliamentary record; and
- (g) that the Assembly authorised publication of a parliamentary record or a committee authorised publication of evidence or a document; and
- (h) that the Assembly or a committee authorised publication of a thing by the government printer under section 50(5); and
- (i) that a thing is an authorised parliamentary record as defined under section 51; and
- (j) that an entity is an authorised publisher as defined under section 51¹ for publication of a particular authorised parliamentary record; and
- (k) that an act was preparatory to, or otherwise for the purposes of, publication of a thing; and

¹ Section 51 (Assembly taken to have authorised particular publications)

- (l) that a document was tabled in the Assembly by a member but was not—
 - (i) authorised by the Assembly to be published; or
 - (ii) taken to be published by the Assembly; and
- (m) that a document was tabled in the Assembly by the member with—
 - (i) the express permission of the Speaker; or
 - (ii) the leave of the Assembly; and
- (n) that a person is an authorising person; and
- (o) that a person is the government printer; and
- (p) that the Assembly imposed conditions on the publication of a parliamentary record.’.

9 Amendment of s 56 (No liability for publishing under authority of Assembly or committee)

(1) Section 56(1)—

omit, insert—

‘(1) An engaged entity or another person does not incur any civil or criminal liability for—

- (a) publishing a parliamentary record under the authority of the Assembly; or
- (b) publishing evidence or a document under the authority of a committee.’.

(2) Section 56—

insert—

‘(6) In this section—

“engaged entity” see section 51.

“publishing” a thing includes doing all acts preparatory to, or otherwise for the purposes of, publishing the thing.’.

10 Amendment of s 57 (Reports of debates taken to be true and correct record)

(1) Section 57, heading, ‘Reports’—

omit, insert—

‘Printed reports’.

(2) Section 57(1), ‘by order or’—

omit, insert—

‘in printed form’.

11 Amendment, relocation and renumbering of s 58 (Application of pt 3)

(1) Section 58, heading, before ‘pt 3’—

insert—

‘ch 3,’.

(2) Section 58, ‘This part’—

omit, insert—

‘Chapter 3, part 3’.

(3) Section 58, ‘the part’—

omit, insert—

‘chapter 3, part 3 of this Act as originally enacted’.

(4) Section 58—

relocate and renumber, in chapter 9, as section 161.

12 Insertion of new s 58

After section 57—

insert—

‘58 Assembly may impose conditions on publication

‘(1) The Assembly may at any time impose conditions on the publication of a parliamentary record.

‘(2) It does not matter whether the parliamentary record has been previously published or whether the Assembly authorises or has authorised the publication.

Example—

Assume an audio or visual record of proceedings in the Assembly is published on the internet by an authorised publisher under section 51. The Assembly may impose conditions on the publication by the authorised publisher. The Assembly may also impose conditions on the publication by a person who has accessed the internet publication of a parliamentary record derived from that access.

‘(3) Publication of a parliamentary record in contravention of a condition imposed by the Assembly is a contempt of the Assembly.’.

13 Amendment of s 59 (Tabling of report when Assembly not sitting)

Section 59(6), ‘printed’—

omit, insert—

‘published’.

14 Amendment of ch 9 heading (Repeals, amendments and transitional provisions)

Chapter 9, heading—

omit, insert—

‘CHAPTER 9—REPEALS AND TRANSITIONAL PROVISIONS FOR ACT NO. 81 OF 2001’.

15 Insertion of ch 10

After chapter 9—

insert—

‘CHAPTER 10—FURTHER TRANSITIONAL PROVISIONS

‘162 Transitional provision for the Parliament of Queensland Amendment Act 2003

‘Chapter 3, part 3³ applies to records relating to proceedings in the Assembly at any time whether before or after the commencement of this section.’.

16 Amendment of schedule (Dictionary)

(1) The schedule, definition“**government printer**”—

omit.

(2) The schedule—

insert—

‘ **“broadcast”** for chapter 3, part 3, see section 48.

“government printer” means the Government Printer of Queensland and includes an officer or employee of the government printer acting in the course of the person’s duties.

“parliamentary record” for chapter 3, part 3, see section 49.

“publication” for chapter 3, part 3, see section 48.’.

PART 3—CONSEQUENTIAL AMENDMENTS

17 Consequential amendments

The schedule amends the legislation it mentions.

3 Chapter 3 (Powers, rights and immunities), part 3 (Parliamentary records)

SCHEDULE

CONSEQUENTIAL AMENDMENTS

section 17

ABORIGINAL LAND ACT 1991

1 Section 129(5)—

omit, insert—

‘(5) For the purposes of its publication, the report is taken to have been laid before the Legislative Assembly, and to have been ordered to be published by the Legislative Assembly, when it is given to the clerk.’.

CHILDRENS COURT ACT 1992

1 Section 22(5)—

omit, insert—

‘(5) For the purposes of its publication, the report is taken to have been laid before the Legislative Assembly, and to have been ordered to be published by the Legislative Assembly, when it is given to the clerk.’.

CRIME AND MISCONDUCT ACT 2001

1 Section 69(6)–(8)—

omit, insert—

‘(6) The clerk must authorise the report and any accompanying document to be published.

‘(7) A report published under subsection (6) is taken, for all purposes, to have been tabled in and published by order of the Legislative Assembly and

SCHEDULE (continued)

is to be granted all the immunities and privileges of a report so tabled and published.

- ‘(8) The commission, before giving a report under subsection (1), may—
- (a) publish or give a copy of the report to the publisher authorised to publish the report; and
 - (b) arrange for the prepublishing by the publisher of copies of the report for this section.’.

2 Section 214(a), ‘printed’—

omit, insert—

‘published’.

DEFAMATION ACT 1889

1 Section 13(1)(b), ‘paper’—

omit, insert—

‘thing’.

FINANCIAL ADMINISTRATION AND AUDIT ACT 1977

1 Section 46KC(6), ‘printed’—

omit, insert—

‘published’.

2 Section 105(3)—

omit, insert—

‘(3) For the purposes of its publication, a report given to the Speaker or the clerk under subsection (2) is taken to have been laid before the Legislative Assembly, and to have been ordered to be published by the Legislative Assembly, when it is given to the Speaker or the clerk.’.

SCHEDULE (continued)

GOVERNMENT OWNED CORPORATIONS ACT 1993**1 Schedule 3, parts 4 and 5, section 46KC(6), ‘printed’—**

omit, insert—

‘published’.

2 Schedule 3, parts 4 and 5, section 105(3)—

omit, insert—

‘(3) For the purposes of its publication, a report given to the Speaker or the clerk under subsection (2) is taken to have been laid before the Legislative Assembly, and to have been ordered to be published by the Legislative Assembly, when it is given to the Speaker or the clerk.’

LEGISLATIVE STANDARDS ACT 1992**1 Section 13(6)—**

omit, insert—

‘(6) For the purposes of its publication, a report given to the clerk under subsection (4) is taken to have been laid before the Legislative Assembly, and to have been ordered to be published by the Legislative Assembly, when it is given to the clerk.’

TORRES STRAIT ISLANDER LAND ACT 1991**1 Section 126(5)—**

omit, insert—

‘(5) For the purposes of its publication, the report is taken to have been laid before the Legislative Assembly, and to have been ordered to be published by the Legislative Assembly, when it is given to the clerk.’

SCHEDULE (continued)

**TRANSPORT OPERATIONS (MARINE SAFETY)
REGULATION 1995****1 Section 188(9)—***omit, insert—*

‘(9) For the purposes of its publication, a report given to the clerk under subsection (7) is taken to have been laid before the Legislative Assembly, and to have been ordered to be published by the Legislative Assembly, when it is given to the clerk.’.